

Lowell Zoning Board of Appeals Minutes

November 22, 2021 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at www.LTC.org.

Members Present: Member Pech, Member Callahan, Member McCarthy, Member Briere, Member Njoroge, Member Procope

Members Absent: Chairman Perrin

Others Present: Fran Cigliano, Senior Planner

The following represents the actions taken by the Zoning Board of Appeals at the 11/22/2021 meeting. This meeting was held in the City Council chambers. However, due to the COVID-19 pandemic, attendees had the ability to participate via Zoom as permitted by the Governor's 3/10/2020 emergency order to suspend certain provisions of the Open Meeting Law.

Vice Chairman Pech called the meeting to order at 6:30 PM

I. Continued Business

ZBA-2021-48

Petition Type: **Variance**

Applicant: **Linda Thay**

Property Located at: **46 Wood Street, 01851**

Applicable Zoning Bylaws: **Section 6.3**

Petition: **Linda Thay seeking Variance approval at 46 Wood Street. The applicant proposes to demolish the existing single-family home and construct a 1,600 square foot commercial structure with a rear parking area. The subject property is located in the Regional Retail (RR) zoning district. The application requires Variance approval per Section 6.1.10 for relief from the minimum driveway width requirement, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Brian Milisci, Applicant's Engineer

In favor:

Kathleen Hanson, 47 Columbia Street

K. Hanson asked whether the applicant is planning to install a stockade fence. Lighting is also concern since this project abuts her backyard.

In opposition:

None

Discussion:

B. Milisci said that they had received comments from staff. Landscaping regulations call for either dense green strip or fencing. Staff had suggested 6ft high opaque fence. We would certainly be amenable to that condition.

G. Procope said that he thinks this project is a nice project. Hopefully with the beautification of property it would enhance neighborhood and address concerns of neighbors. He asked whether they had submitted anything regarding traffic management. B. Milisci said no but said that they would comply with city requirements. G. Procope asked about the stormwater permit. B. Milisci said they have been in communication with stormwater team and will comply with their requirements.

M. Briere reiterated that the neighbor would prefer a fence. He said they are required to have screening. He said that there is significant investment and it is zoned properly. DPW has no concerns. Therefore he will vote in favor.

D. McCarthy said that the four proposed conditions make a lot of sense. He is in favor of adopting the four proposed conditions. The site plan says they must meet rear setback of 40 feet. B. Milisci clarified that the proposed setback is more than 50 ft. D. McCarthy said that one of the proposed conditions should be submitting a revised site plan showing proposed utilities and the proposed rear setback. D. McCarthy commented that it is very tight. He hasn't seen any comments saying that 18 ft. is unreasonable, but he notes that the canopy basically comes to the curb. Any vehicle traffic going on the drive aisle is going to be close. D. McCarthy asked if they had any tenants in mind. B. Milisci said no.

S. Callahan said that the project fits with the neighborhood. B. Milisci said that if the uses require more of a parking requirement they will come back for additional variance relief. S. Callahan commented that trees would be nice but the space is tight. Would like to propose condition of working with DPD to have a landscaping plan with trees/bushes on southern edge of building.

R. Njoroge said that he agrees that his project aligns with the zoning for that property. He is only in favor if the four conditions from DPD are met with respect to screening, site plan, erosion controls, and snow storage. With those four conditions, would be in favor.

V. Pech thinks that this variance is suitable for the zone and makes a lot of sense for the surrounding businesses. It is sad to see housing go since housing is tough to find these days, but investment in the city is a benefit to the city and community.

D. McCarthy motioned to approve the variance with the following conditions:

1. The applicant shall screen the parking area from all abutting residential properties using an opaque 6 ft. fence;
2. The applicant shall resubmit a site plan showing utilities and proposed landscaping, in particular on the street side, and the proposed rear yard setback;
3. The applicant shall provide erosion controls to be checked after every weather event with maintenance taking place within 24hr; and
4. The applicant shall submit a revised plan showing snow storage and snow removal and disposal procedures.

S. Callahan seconded the motion and it passed unanimously, (5-0).

II. New Business

ZBA-2021-52

Petition Type: **Special Permit**

Applicant: **Cheryl Martin**

Property Located at: **1141 Bridge Street 01854**

Applicable Zoning Bylaws: **Article XII**

Petition: **Cheryl Martin is seeking a special permit to operate a dog kennel at 1141 Bridge Street. The property is located in the Traditional Mixed Use (TMU) zoning district and requires special permit approval under Article XII and for any other relief required under the Lowell Zoning Ordinance.**

Speaking on Behalf:

Cheryl Martin, Applicant

In favor:

None

In opposition:

None

Discussion:

M. Briere said that this was a great presentation. If she were on shark tank he would give her an offer.

D. McCarthy said that the presentation was very thorough. He asked about the unit's small size. She said that there would only be three dogs at a time. D. McCarthy asked if there is an issue with dog barking with neighboring businesses. C. Martin said her neighbors were happy that there were dogs going in and said that they would be installing rubber flooring.

S. Callahan said that he shares the sentiments of his fellow board members. He said this is a needed service in the community. S. Callahan asked if it would be appointment only. C. Martin said yes to avoid foot and vehicle traffic. They will be advertising appointment only and will do a screening process.

R. Ngoroge commended the petitioner on the presentation. He believes the proposal meets the variance criteria. Confirms number of dogs and duration of play time (3 hr.). Asked about signage. C. Martin said that they would erect a modestly sized non-illuminated sign.

G. Procope said that this is a very intelligent business. He said that he himself would benefit from this type of business since he works from home and has a large dog that barks. G. Procope said that it sounds like she was very careful with respect to the number of dogs at a time etc.

V Pech said this sounds like a community need and amazing business. He said it fits in with the zoning district on Bridge Street with a mix of commercial and residential uses.

S. Callahan asked whether there would be pet grooming. C. Martin said no.

Motion:

D. McCarthy motioned to approve the special permit with the following condition:

1. The applicant shall submit the floor plan layout presented at the meeting to DPD.

M. Briere seconded the motion and it passed unanimously, (5-0).

ZBA-2021-53

Petition Type: **Variance**

Applicant: **Mark Cabral**

Property Located at: **155 Clark Rd 01852**

Applicable Zoning Bylaws: **Section 5.1**

Petition: **Mark Cabral has applied to the Lowell Zoning Board of Appeals for variance approval for a garage constructed within the front yard and side yard setback. The property is located in the Suburban Single Family (SSF) zoning district and requires Variance relief under Section 5.1 and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Greg Curtis, Applicant's Attorney

In favor:

None

In opposition:

None

Discussion:

D. McCarthy said that having no residents in Belvidere speak in opposition, and actually having them speak in favor, is rare. It helps that the garage is angled and you aren't backing out onto Clark Rd. D. McCarthy appreciated that the landscaping was not removed and has been long established.

S. Callahan said that there is certainly a hardship due to the narrowness of the lot.

R. Njoroge said that it is an oddly shaped lot so he does see the special hardship. He does not see any hardship for the neighborhood. He is in support.

G. Procope said that he agrees with his fellow board members. The applicant was thoughtful and mindful of his neighbors in siting the garage. He does not see any negative impact and is fully in favor.

M. Briere said that he is in support of the petition.

V. Pech said that the requested relief is minimal. There is merit to the variance. Rectifies an oversight/clerical error.

Motion:

D. McCarthy motioned and G. Perrin seconded the motion to approve the variance. The motion passed unanimously, (5-0).

III. Other Business

Minutes for Approval:

November 8, 2021

D. McCarthy motioned to approve the minutes, seconded by S. Callahan, passed unanimously, (5-0).

D. McCarthy asked for an update on 610 Gorham Street and its 6 month administrative review, as well as the status of any building permits. F. Cigliano said that staff will look into that.

S. Callahan asked staff if a law opinion was available for the minor modification on Beaulieu street. FC said not yet.

IV. Adjournment

D. McCarthy motioned to adjourn, seconded by S. Callahan, (5-0).

Per Order of the City of Lowell Zoning Board of Appeals – Gary Perrin, Chairman

New business to be advertised by November 7, 2021 and November 14, 2021.